

DOUGLAS A. WINTHROP (SBN 183532)
 Douglas.Winthrop@arnoldporter.com
 JEREMY T. KAMRAS (SBN 237377)
 Jeremy.Kamras@arnoldporter.com
 JOSEPH FARRIS (SBN 263405)
 Joseph.Farris@arnoldporter.com
ARNOLD & PORTER KAYE SCHOLER LLP
 Three Embarcadero Center, 10th Floor
 San Francisco, CA 94111-4024
 Telephone: 415.471.3100
 Facsimile: 415.471.3400

WHGC, P.L.C.
 Jeffrey C.P. Wang (SBN 144414)
 JeffreyWang@WHGCLaw.com
 Michael G. York (SBN 89945)
 MichaelYork@WHGCLaw.com
 Kathleen E. Alparce (SBN 230935)
 KathleenAlparce@WHGCLaw.com
 Jessica A. Crabbe (SBN. 263668)
 JessicaCrabbe@WHGCLaw.com
 1301 Dove Street, Suite 1050
 Newport Beach, CA 92660
 Tel. (949) 833-8483; Fax: (866) 881-5007

Attorneys for Defendants XINGKE ELECTRONICS
 (DONGGUAN) CO., LTD., formerly known as
 SINCO ELECTRONICS (DONGGUAN) CO., LTD.,
 LIEW YEW SOON aka, MARK LIEW, NG CHER
 YONG. aka CY NG, and MUI LIANG TJOA aka ML
 TJOA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SINCO TECHNOLOGIES PTE LTD.,

Plaintiff,

vs.

SINCO ELECTRONICS (DONGGUAN) CO.,
 LTD.; XINGKE ELECTRONICS
 (DONGGUAN) CO., LTD.; XINGKE
 ELECTRONICS TECHNOLOGY CO., LTD.;
 SINCOO ELECTRONICS TECHNOLOGY CO.,
 LTD.; MUI LIANG TJOA (an individual); NG
 CHER YONG aka CY NG (an individual); and
 LIEW YEW SOON aka MARK LIEW (an
 individual),

Defendants.

Case No. 3:17-CV-05517-EMC

Action Filed: September 22, 2017

**DEFENDANTS' SECOND
 SUPPLEMENTAL DEPOSITION
 DESIGNATIONS**

Judge: Honorable Edward M. Chen

Trial: November 1, 2021

Defendants submit the deposition designations identified below with the understanding that any objections or other attorney colloquy will be omitted from the final deposition testimony read or played before the Jury.

I. JERRY YANG

DEPOSITION OF JERRY YANG TAKEN ON OCTOBER 29, 2021

(Page and Line Numbers)

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
7:12-8:1			
8:16-21; 9:17-10:1	FRE 106 Incompleteness 8:16-9:3		Cumulative; FRE 403. In its objection, Plaintiff has counter-designated testimony from the witness in which the witness was cutoff by the court reporter mid-response, as the court reporter had difficulty understanding the witness' response in English, which was embarrassing to the witness and disruptive to the testimony. As such, the witness switched to responding in Mandarin, and Defendants designated this complete response (which repeats the earlier incomplete testimony). Plaintiff's counter-designation thus serves no

DEPOSITION OF JERRY YANG TAKEN ON OCTOBER 29, 2021*(Page and Line Numbers)*

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
			completeness purpose, and is merely redundant and intended to embarrass the witness.
10:11-15			
10:25-11:4			
11:12-20			
12:4-14:5			
14:6-15:18			
15:22-16:5			
16:6-9			
16:13-18	FRE 106 Incompleteness 16:13-19		
16:22-17:1			
17:8-10			
17:22-23; 18:1-12			
19:4-11			
19:18-23	Lacks Foundation. Calls for Speculation.		The witness is testifying regarding his personal knowledge, as established based on his experience working for the customer since 2016.

DEPOSITION OF JERRY YANG TAKEN ON OCTOBER 29, 2021*(Page and Line Numbers)*

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
20:4-8			
20:15-21:6			
21:7-8; 22:9-19			
22:24-23:16			
		25:3-12	
		25:21-26:6	No objection, assuming interpreter injection will be removed from final video.
		26:7-14	
		26:18-28:4	
		28:15-29:8	31:10-24
		32:2-33:4	
		34:13-35:8	FRE 106. 33:6-7 (introduction of exhibit).
		38:22-39:22	Counsel Testifying; Misstates Testimony; FRE 403. In response to questions from counsel, the witness repeats that he has not seen the product depicted in the exhibit before, which counsel then mischaracterizes on the record to imply

DEPOSITION OF JERRY YANG TAKEN ON OCTOBER 29, 2021*(Page and Line Numbers)*

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
			that the product has never been made at the factory before.
		39:23-40:9	Assumes facts in evidence; counsel testifying. Counsel testifies as to the type of product depicted in the photo, a fact not in evidence.
		40:10-42:9	Lacks Foundation; Calls for Speculation. Witness testifies that he has not seen the products depicted in the exhibits and, for each, is then asked to speculate as to "where this product may have came from." 45:4-14
		48:20-21	
45:16-46:14			

1 **II. DEQIANG LIU**

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3 DEPOSITION OF DEQIANG LIU TAKEN ON OCTOBER 29, 2021

4 (Page and Line Numbers)

5 6 7	DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
8	7:9-23			
9	8:8-10:10	Vague		
10	10:16-14:12			
11	14:17-15:14	Vague as to time. Overbroad.		Testimony is specific as to time period.
12	15:15-23; 16:9-17:11	Vague and Overbroad.		
13	17:12-18:5			
14	18:11-19:15			
15	19:23-20:12	Lacks Foundation. Calls for Speculation. Overbroad. Assumes Facts.		See 17:23-18:1, 18:11-16 (establishing fact that customer reached out to witness directly); 17:20-22 (establishing fact that factory began working with customer in 2009). Remaining question seeks testimony from the witness regarding his personal knowledge, as established by his role managing the customer relationship. See 18:15-15.

DEPOSITION OF DEQIANG LIU TAKEN ON OCTOBER 29, 2021*(Page and Line Numbers)*

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
20:13-21:11	Overbroad.		
		13:20-14:12	
22:3-12			
23:1-15	Lacks Foundation. Asked and Answered.		Witness previously established his personal knowledge via attendance at meetings (21:6-8). Question previously asked was whether all employees at the factory attended these meetings (20:23-24), which is different from the question here, which seeks testimony regarding whether <i>only</i> employees at the factory were in attendance (i.e. whether the meeting was open to external invitees) (23:1-3).
23:22-24:13			
24:14-15; 25:10-21			
26:1-22			
27:16-28:9			
28:22-29:20	Vague and Overbroad. Vague as to time. Incomplete		Witness testifying as to his personal knowledge.

DEPOSITION OF DEQIANG LIU TAKEN ON OCTOBER 29, 2021*(Page and Line Numbers)*

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
	hypothetical. Lacks Foundation.		
		29:25-30:16	
30:11-22			
		32:1-10	
		33:16-34:7	
		34:25-35:10	
35:11-23		35:11-36:9	
36:23-37:2		36:23-37:19	
		38:2-8	38:2-3 is counsel's response to witness' prior answer, which has not been designated.
		38:19-21	Misstating prior testimony; FRE 403. Counsel misstates prior testimony, creating the impression that the witness is modifying his prior testimony. The witness previously testified that he first learned of the factory's direct sales beginning in 2003 and 2004 (15:4-8), but the testimony did not identify a direct US sale until 2009 (20:20-22). The

DEPOSITION OF DEQIANG LIU TAKEN ON **OCTOBER 29, 2021**

(Page and Line Numbers)

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
			witness' prior testimony did not specify non-domestic direct sales in 2003/2004.
		38:22-39:11	See objection immediately above.
		40:14-42:5	Lack of Foundation. Speculation. Vague. Witness claimed no knowledge of ML Tjoa's travel to the US and was nevertheless asked to speculate about "what Mr. Tjoa was doing in the US relative to the factory in 2016."
		44:2-23	

III. GOUKI GAO

DEPOSITION OF GOUKI GAO TAKEN ON OCTOBER 29, 2021

(Page and Line Numbers)

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
7:9-8:15			
8:23-9:9			
9:10-10:11			
12:1-19			
12:24-14:25	Lacks Foundation.		Testimony established that witness was supervisor of R&D department at time project occurred (14:16-19) and personally participated in project (15:7-9).
15:24-16:5	Lacks Foundation		See above. Witness is testifying as to his personal knowledge.
16:9-12			
16:13-14; 16:24-18:12	Documents Speaks for Itself. It assumes Facts.		
18:15-19:11	Move to strike based on Hearsay Objections.		Customer State of Mind/Effect on the Listener (explains why customer contacted SinCo Dongguan directly).
20:3-21:5			

DEPOSITION OF GOUKI GAO TAKEN ON OCTOBER 29, 2021*(Page and Line Numbers)*

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
21:16-22:20	Lacks Foundation.		Testimony establishes witness' personal knowledge. <i>See</i> 20:16-21:5.
22:21-24:9			
24:12-25:3	Vague and Overbroad. Leading.		
25:9-23	Move to Strike as lacks foundation.		Personal knowledge previously established (project occurred when witness was supervisor of R&D department). <i>See</i> 23:18-20. In this role, witness had access to revenue reports. <i>See</i> 26:9-16.
26:3-16	Lacks foundation.		Personal knowledge established in testimony. <i>See</i> 26:9-16.
26:17-27:10			
27:11-25	Leading		Question restates facts introduced in earlier testimony. <i>See</i> 26:25-27:7.
27:19-25			
28:6-13	Lacks foundation.		Witness established personal knowledge via attendance at

DEPOSITION OF GOUKI GAO TAKEN ON OCTOBER 29, 2021

(Page and Line Numbers)

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
			meetings. <i>See</i> 26:17-23.
28:24-29:19			
30:6-17	Assumes facts and Argumentative.		Testimony already established that the factory worked both on direct and indirect projects. <i>See</i> 12:1-7.
30:23-31:16	Lacks foundation.		Witness established personal knowledge via attendance at meetings. <i>See</i> 26:17-23.
		32:13-33:3	
		33:4-21	
34:2-20			
		38:4-19	FRE 106; Lack of Foundation. Defendants designation does not include reference to the introduction of TX 258, which the witness was not able to lay foundation for. Question is vague, overbroad, unclear as to time and generally unintelligible as to whether the witness has “ever seen a document that

DEPOSITION OF GOUKI GAO TAKEN ON **OCTOBER 29, 2021**

(Page and Line Numbers)

DEFENDANTS' DEPOSITION DESIGNATION	OBJECTIONS TO DESIGNATIONS	PLAINTIFF COUNTER- DESIGNATION	OBJECTIONS TO COUNTER-DESIGNATION
			identified SinCo Technologies . . . and aligned it with SinCo Group Holdings PTE LTD.”
		40:4-8	
		40:25-41:24	
		41:25-42:12	
		42:13-18	Counsel improperly testifying.
		43:3-18	Compound, vague and generally unintelligible question regarding whether “the Lunar New Year for 2016 in January or February contained this information concerning [three] clients . . .”
		43:20-44:5	Lack of Foundation regarding witness’ knowledge of materials used for shipping products. Compound question regarding the same.

1 Dated: November 1, 2021

ARNOLD & PORTER KAYE SCHOLER LLP

2 By: /s/ Joseph Farris
3 JOSEPH FARRIS

4 *Attorneys for Defendants*
XINGKE ELECTRONICS (DONGGUAN) CO.,
5 LTD., formerly known as SINCO
ELECTRONICS (DONGGUAN) CO., LTD.,
6 LIEW YEW SOON aka, MARK LIEW, NG
7 CHER YONG. aka CY NG, and MUI LIANG
TJOA aka ML TJOA

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served a copy of the foregoing **DEFENDANTS' SECOND SUPPLEMENTAL DEPOSITION DESIGNATIONS** via the Court's ECF system on November 1, 2021.

/s/ Jing Wang